

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

JOHN AND CLAIRE TUEPKER

PLAINTIFFS

V.

CIVIL ACTION NO. 1:05cv559-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**ORDER**

On March 30, 2007, this Court entered an [82] Order (as corrected by docket entry [84]) with respect to Defendant's [81] Motion to Stay Proceedings Until After Conclusion of All Appeals Related to Interlocutory Appeal to the Fifth Circuit. The Court's [57] Order Certifying Interlocutory Appeal did not contain a provision staying proceedings in this Court. *See* 28 U.S.C. § 1292(b).

The Court's most recent order required counsel for the parties to file under seal with this Court and the United States Court of Appeals for the Fifth Circuit (in all the docketed cases there involving the instant cause of action) a true and correct copy of the agreement (or document by whatever name it is called or given) by which "the parties have agreed to liquidate their damages in the event of an appellate outcome that is adverse to his, her or its position", and so identify it and its subject matter in clear language on the envelope or other means containing the agreement (or document by whatever name it is called or given). The Clerk of this Court was also directed to send to the Fifth Circuit a copy of the [81] Motion to Stay and the Court's order thereon. Counsel for Defendant filed a [85] notice indicating compliance with this Court's [82] and [84] Order, which notice was followed by a separate sealed document maintained in the Court's vault. The record also reflects that the same sealed document has been forwarded to the Fifth Circuit. If this is not the case, counsel should so advise this Court. Otherwise, it is appropriate for this case to be stayed.

Accordingly, **IT IS ORDERED:**

The Court's [57] Order Certifying Interlocutory Appeal is hereby **MODIFIED** to include the following language:

Proceedings in this cause of action are hereby **STAYED** until further order of this Court or the United States Court of Appeals for the Fifth Circuit.

**SO ORDERED** this the 15<sup>th</sup> day of May, 2007.

s/ L. T. Senter, Jr.  
L. T. SENTER, JR.  
SENIOR JUDGE